

INDIAN HEALTH SERVICE
OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY
OKLAHOMA CITY AREA EEO REGION

Date:

From: EEO Counselor

NOTICE OF RIGHT TO FILE A DISCRIMINATION COMPLAINT

To:

This is to inform you that the matter you brought to my attention has not been resolved to your satisfaction. You are now entitled to file a formal discrimination complaint based on race, color, religion, sex, national origin, physical or mental handicap, age, and/or reprisal. **If you file a complaint, it must be in writing, signed by you, filed in person or by mail within 15 calender days after your receipt of this notice; or if you have an attorney as a representative, the 15 days notice to file a formal complaint, will be within 15 calender days of their receipt of the counselors report.**

A discrimination complaint must be filed, within **15 days** after you/your representatives receipt of this final counselors report, with the following agency official:

David Thompson, Regional EEO Manager
Indian Health Service
Room 307, Five Corporate Plaza
3625 N.W. 56
Oklahoma City, OK 73112

Failure to file a formal complaint with the above office within the 15 day time period may be grounds to dismiss your complaint in accordance with 29 CFR 1614.107(a)(2).

If you file a formal complaint with the agency, you are reminded of your responsibility to keep the agency informed of your current mailing address.

The complaint must be specific and contain only those issues discussed with me. It must also state whether you have filed a grievance under a negotiated grievance procedure.

If you retain an attorney or any other person to represent you, you or your representative must immediately notify Mr. David Thompson, OCAO Regional EEO Manager, in writing, unless you have already done so. You and/or your representative will receive a written acknowledgment of your discrimination complaint from the appropriate agency official.

In addition, if you are requesting or planning on requesting compensatory damages as a relief,

you will have to submit documents that show:

1. You are advised that to enable the agency to assess the merits of a request for emotional distress or other non-pecuniary harm, you should submit objective evidence, such as statements concerning your emotional pain or suffering, inconvenience, mental anguish, loss of enjoyment of life, injury to professional standing, injury to character or reputation, injury to credit standing, loss of health, and any other non-pecuniary losses that you believe have incurred as a result of the discriminatory conduct that you alleged.
2. You are advised that you may submit statements from others, including family members, friends, health care providers, other counselors (including clergy), addressing, for example, the outward manifestations or physical consequences of emotional distress, including sleeplessness, anxiety, stress, depression, marital strain, humiliation, emotional distress, loss of self-esteem, excessive fatigue, or a nervous breakdown.
3. You are advised that objective evidence, in addition to statements from yourself and others, may also include documents indicating your actual out-of-pocket expenses, if any, related to medical treatment, counseling and so forth, related to injury allegedly caused to you by the discrimination that is being claimed.
4. You are advised that you must also establish a causal relationship "link or nexus" between the alleged discriminatory action, and the resulting injury (or injuries) you claim. Failure to provide a claim which demonstrates a causal relationship between the alleged acts of employment discrimination and injury or injuries suffered may result in a denial of part or all of the claim.
5. Additionally, you are hereby informed as required by the EEOC that, your request for compensatory damages may permit the agency to seek personal and sensitive information from you in order to determine whether the injury claimed is linked solely, partially, or not at all to the alleged discriminatory conduct.

The above is consistent with guidance of the U.S. Equal Employment Opportunity Commission decisions in **Broughton v. Navy**, EEOC 01951999 (4-25-95); **Carle v. Navy**, EEOC 01922369 (1-5-93)

If you have any questions, please call (405) 951-3950, the Regional EEO Office.

Complainant's Signature Date

Counselor's Signature Date